

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13

JAMES JOHN KUBASKO :

Debtor(s) : CASE NO. 5-20-00462

JAMES JOHN KUBASKO :

Movant :

vs. :

LACKAWANNA COUNTY TAX CLAIM :

BUREAU, LACKAWANNA RIVER BASIN :

SEWER AUTHORITY, PNC BANK, NA, :

PORTNOFF LAW ASSOCIATES, :

INTERNAL REVENUE SERVICE, PA :

DEPARTMENT OF REVENUE, and :

CHARLES J. DEHART, III, ESQUIRE :

Respondents :

**ORDER GRANTING DEBTOR'S MOTION FOR PRIVATE SALE OF REAL AND
PERSONAL PROPERTY FREE AND CLEAR OF ALL LIENS, CHARGES AND
ENCUMBRANCES**

Upon consideration of the within Motion and after Notice duly given to the Creditors and other parties in interest, the Debtor, James John Kubasko, is hereby granted leave to sell real property located at 219 Franklin Ave., Jermyn, PA along with personal property and fixtures to Legacy Development Corp for the sum of Twenty Three Thousand (\$23,000.00) Dollars. All valid liens and encumbrances to attach to the proceeds of said sale, except the encumbrances of outstanding real estate taxes.

Further, the Debtors are granted leave to allow distribution of the proceeds of the sale at closing as follows:

- a. Any out-of-pocket expenses advanced by Tullio DeLuca, Esquire in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement along with an attorney fee of \$1,431.00;
- b. Any Notarization and/or incidental recording fees associated with the sale of the above property;
- c. Realtors Commission of 6 % percent;
- d. Any transfer tax which is the responsibility of the seller herein;
- e. Any unpaid real estate taxes and other municipal claims/liens arising from property;
- f. PNC Bank, N.A. shall be paid \$18,000.00 at closing.
- g. That any other unpaid liens shall attach to the remaining sale proceeds;
- h. Debtor's exemption if any;
- i. The net sale proceeds in an amount to pay the balance owed to the Chapter 13 Trustee, if any, from the above sale shall be paid to Charles J. DeHart, III, Esq., Chapter 13 Trustee, for distribution to creditors in accordance with the Debtor's confirmed Plan

Further, the Debtors are allowed to escrow funds at closing for a potential capital tax gain liability.

Date

J.